

USDI, Bureau of Land Management
Andrews Resource Area, Burns District
Hines, OR 97738

Final Decision Record
for
Projects for Implementation of the
Steens Mountain Cooperative Management
and Protection Act of 2000
Environmental Assessment
EA OR-027-01-27

BACKGROUND: The Steens Mountain Cooperative Management and Protection Act (Act) of 2000 was passed by Congress, signed by the President on October 30, 2000, and became Public Law 106-399. The Act requires that a wilderness “no livestock grazing area” be established and replacement forage areas be developed for affected grazing permittees. Section 113(e)(2) of the Act requires the Bureau of Land Management (BLM) to “be responsible for installing and maintaining any fencing required for resource protection within the designated no livestock grazing area.” Section 113(e)(4) of the Act requires the BLM to “construct fencing and develop water systems as necessary to allow reasonable and efficient livestock use of the forage resources...” within the replacement forage area on BLM land.

On April 25, 2001, the BLM Burns District Office released for public comment the Finding of No Significant Impact (FONSI) for the Projects for Implementation of the Steens Mountain Cooperative Management and Protection Act of 2000 and Environmental Assessment (EA) OR-027-01-27. This EA proposes many projects and alternatives which would accomplish the purposes stated in the Act, including construction of approximately 25 miles of new fence, 4 cattleguards, drilling of 2 wells, installing approximately 13 miles of pipeline with 13 water troughs, constructing 8 new waterholes, developing 3 springs and conducting maintenance on 2 additional springs. Also proposed is removal of approximately 55 miles of unnecessary fence which exists throughout the no livestock grazing area, and other unnecessary fence which exists in other parts of the wilderness area, the Blitzen River Wilderness Study Area (WSA), and other WSAs.

These fencing and water system projects will secure the “no livestock grazing area” and achieve the replacement forage objectives contained in the Act. All of the proposed actions and alternatives are in conformance with the Act as directed in the various sections cited previously. Those projects not directly referred to in the Act are in conformance with the Andrews Management Framework Plan, 1982, and the Andrews Rangeland Program Summary Update, 1984.

DECISION: Having considered a range of alternatives, associated impacts within the analysis of the Projects for Implementation of the Steens Mountain Cooperative Management and Protection Act of 2000 EA, and extensive public input, it is my decision to implement the following:

Off-Site Forage, Water, and Fencing

Ready Pasture

Project: Bone Creek Gap Fence - This project will not be implemented.

Rationale: One of the commentors and a BLM specialist have visited this site and found that this fence already exists and needs minor maintenance to be functional and meet the needs and specifications described in the EA.

Project: Ready Cattleguard - This project will be implemented as described in the Proposed Action of the EA.

Rationale: This cattleguard will aid with livestock management in the north end of the Ready Pasture.

Project: Fields Fence and Painted Cattleguard - This project will be implemented as described in the Alternative to the Proposed Action of the EA.

Rationale: This fence and cattleguard will aid in livestock management by keeping cattle out of the town of Fields, Oregon, and in the proper pasture.

Project: Burke Springs Pipeline Extension - This project will be implemented as described in the Alternative to the Proposed Action of the EA.

Rationale: This is a smaller scale project that would still provide water to the east side of Fields-Folly Farm Road. The new project would not need to have a well drilled but would connect to an existing water pipeline in Schouver Flat Seeding on the west side of the Fields-Folly Farm Road. This would provide water for Amy Ready livestock, meet the purposes of the Act, and would cause less disturbance than the proposed action. The disturbance that would occur would be partially in an existing seeding so the impacts from new disturbance caused by placement of the pipeline would be limited to about 0.5 miles.

Miners Field

Project: Miners Field South Fence - This project will be implemented as described in Alternative 2 to the Proposed Action of the EA.

Rationale: The fence portion of this project would be about 2.5 miles long, instead of approximately 5 miles for the proposed action. This project would have no impacts on bighorn sheep which was the main concern with the proposed action.

Project: Miners Waterholes and Spring Maintenance - The construction of the waterholes will be implemented as described in the Proposed Action. The maintenance of the Miners Spring will be the responsibility of the grazing permittee and will be conducted in accordance with 43 CFR Part 6304.25(b) and (c).

Rationale: Both the waterholes and the spring maintenance are in conformance with the Act in that they provide water in replacement forage areas.

Fields Seeding

Project: Fields Seeding Pipeline - This project will be implemented as described in the Proposed Action.

Rationale: This well and pipeline system provides water for livestock in replacement forage areas as directed by the Act.

O'Keefe Pasture

Project: O'Keefe Well and Pipeline - This project will be implemented as described in the Proposed Action.

Rationale: This well and pipeline system provides water for livestock in replacement forage areas as directed by the Act.

Fencing and Water Needs Along/Near the No Livestock Grazing Area

Eusabio Ridge

Project: Eusabio Ridge Fence - This project will be implemented as described in the Proposed Action.

Rationale: This project is designed to protect the resources within the no livestock grazing area, keep wild horses from accessing private land and allow wildlife passage. No motorized/mechanized equipment use would be allowed in the wilderness area.

Wildhorse Canyon

Project: Wildhorse Upper Fence - This project will be implemented as described in the Alternative to the Proposed Action of the EA

Rationale: This fence secures the no livestock grazing area, is a shorter fence than the proposed action and would have fewer impacts to wilderness values and other resources. The existing, dilapidated fence which was the site of the proposed action would be removed. No motorized/mechanized equipment use would be allowed in the wilderness area.

Straw Hat Pass

Project: Straw Hat Gap Fences - This project will be implemented as described in the Proposed Action.

Rationale: These rock gap fences would be constructed in two locations and would secure the no livestock grazing area as directed in the Act. No motorized/mechanized equipment use would be allowed in the wilderness area.

Kiger Gorge

Project: No Livestock Grazing Boundary - Wood Weave Fence - This project will be implemented as described in the Proposed Action.

Rationale: This fence would secure the no livestock grazing area as directed in the Act. The design of the fence will have the highest portions (no higher than 42 inches) in the bottom of Kiger Gorge. The fence height will be shorter on the up slope portions, where livestock pressure will be less, to allow for wildlife movements. Most of the wildlife trails identified are more on the upper slopes than in the gorge bottom. No motorized/mechanized equipment use would be allowed in the wilderness area.

Burnt Car

Project: Burnt Car Gap Fences - This project will be implemented as described in Alternative 1 to the Proposed Action of the EA.

Rationale: The gap fences will secure the no livestock grazing area as directed in the Act. They would also exclude livestock from the Wild and Scenic River corridor. The spring in the Blitzen River WSA will not be developed but will be monitored to see if riparian conditions decline from livestock and wild horse use. Presently, the spring is in proper functioning condition. If decline in condition does occur, then development of the spring may occur as described in the proposed action. No motorized/mechanized equipment use will be allowed off the existing way in the WSA.

Bradeen Crossing

Project: Gap Fences and Waterhole - This project will be implemented as described in the Proposed Action:

Rationale: These gap fences are the shortest reasonable fences that will block livestock access to the Donner und Blitzen River and be substantially unnoticeable. The Weaver place waterhole will provide water for livestock and wild horses outside the no livestock grazing area and the Wild and Scenic River corridor. These actions will make forage available to livestock that has been utilized little in the past. The gap fences and the waterhole are in conformance with the Act. No motorized/mechanized equipment use would be allowed in the wilderness area.

Taber Cabin

Project: This project will not be implemented since the location of the waterholes is on private land.

Rationale: The waterholes are expected to be constructed by the private landowner before the land exchange is completed.

Fence Removal in Wilderness and Wilderness Study Areas

The decision for this project is to implement Alternative 2: Pack Horse Use, for unnecessary fence removal in the wilderness area. Wood posts would either be hauled out with pack animals or piled and burned during the springtime when much of the surrounding vegetation would be wet and there would be no chance of the fire spreading. Existing roads and ways into WSAs could be used for vehicle access to sites for fence removal in the WSAs. Removal of fences in the “no livestock grazing area” will commence when livestock are removed and be completed within 3 years from that time. Removal of fences in WSAs would commence as soon as unnecessary fences are identified.

Unnecessary fences are those that are no longer required for livestock management within the “no livestock grazing area” and those fences within WSAs that are not currently required for livestock management. Fence removal will be initiated based on available funding within the “no livestock grazing area” when livestock grazing is permanently removed, and within WSAs as identified.

Rationale: Pack horse use to remove the fences in the no livestock grazing area was determined to have the least impact on wilderness values while being able to accomplish the task in a reasonable timeframe. Removal of these fences, while essential for wilderness values, is not an emergency and can be done in this manner.

Livestock Management Projects

South Steens Allotment

Project: Existing Temporary Tombstone Drift Fence to Remain with Extension and Black Canyon Waterhole - These projects will be implemented as described in Alternative 1 to the Proposed Action of the EA.

Rationale: This project, while having effects on wilderness values is essential for the continued proper management of livestock and forage replacement in the remainder of the South Steens Allotment. It divides one large pasture into two more manageable pastures that will allow for more flexibility and provide for periodic rest to allow for plants to complete their life cycle. The Black Canyon Waterhole will provide needed water to distribute livestock and make use of forage that has been available but underutilized in the past. This action would also have beneficial effects for the management of livestock in the Catlow Conservation Agreement area.

East Ridge Allotment

Project: Mid-Kiger Fence, Mid-Kiger Springs Development, Bull Run Spring Development and Pipeline and Lower Three Forks Fence - These projects will be implemented as described in the Alternative to the Proposed Action of the EA.

Rationale: These projects would allow flexibility for livestock operations by splitting one pasture with the Mid-Kiger Fence, and developing springs to provide more reliable water for use in other pastures. The development of water would provide for livestock distribution and for ecologically sound management coordinated between public and cooperating private land and allow for use of forage that is available but has been underutilized in the past (replacement forage). The proposed fencing would give more control of timing frequency and duration of grazing and allow for periodic rest. These livestock structures would provide for healthy, diverse native plant communities while allowing for improved use of this allotment with what is remaining after the land exchanges are completed.

Further rationale for the implementation of these projects as described is that it is responsive to issues raised through public involvement, and includes coordination with local government, tribal entities, private landowners, and other State and Federal agencies. This decision does not result in any undue or unnecessary environmental degradation and no cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be filed in the Burns District Office, HC 74-12533 Hwy 20 West, Hines, OR 97738 by August 25, 2001. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted.
- (4) Whether or not the public interest favors granting the stay.

Signature on File

July 27, 2001

Miles R. Brown

Date

Andrews Resource Area Field Manager